

**COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND**

BILL NO. 97-8

Introduced by Council President Parrott at the request of the County Executive

Legislative Day No. 97-3 Date January 21, 1997

AN ACT to add three new definitions to Section II, Definitions, and to repeal and reenact, with amendments, Subsection 4.04, Chesapeake Bay Critical Area Overlay District, of Section IV, Requirements for the Development of Land, of the Subdivision Regulations of Harford County, providing for revisions as needed to address the State-mandated Comprehensive Review of the Chesapeake Bay Critical Area Management Program.

By the Council, January 21, 1997

Introduced, read first time, ordered posted and public hearing scheduled

on: February 18, 1997

at: 6:45 p.m.

By Order: James D. Vannoy /mkH, Acting Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on February 18, 1997, and concluded on, February 18, 1997.

James D. Vannoy, Acting Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 Section 1. Be It Enacted By The County Council of Harford County, Maryland that new
2 definitions be added to Section II, Definitions, and that Subsection 4.04, Chesapeake Bay Critical
3 Area Overlay District, of Section IV, Requirements for the Development of Land, of the
4 Subdivision Regulations of Harford County, be repealed and reenacted, with amendments, to read
5 as follows:

6 Subdivision Regulations

7 Section II. Definitions

8 2.06.1 BUFFER EXEMPT AREA. THOSE AREAS AS OF DECEMBER 1, 1985 WHERE IT
9 CAN BE DEMONSTRATED THAT THE EXISTING PATTERN OF RESIDENTIAL,
10 COMMERCIAL, INDUSTRIAL, OR RECREATIONAL DEVELOPMENT IN THE CRITICAL
11 AREA PREVENTS THE CRITICAL AREA BUFFER FROM FULFILLING THE FUNCTIONS
12 SET FORTH IN COMAR 27.01.09.01B FOR WATER QUALITY AND WILDLIFE HABITAT
13 AND WHICH ARE MAPPED BUFFER EXEMPT BY THE DEPARTMENT OF PLANNING
14 AND ZONING.

15 2.25.1 INTENSELY DEVELOPED AREAS. THOSE AREAS WHERE RESIDENTIAL,
16 COMMERCIAL, INSTITUTIONAL AND/OR INDUSTRIAL DEVELOPED LAND USES
17 PREDOMINATE AND WHERE RELATIVELY LITTLE NATURAL HABITAT OCCURS.
18 SUCH AREAS ARE TO BE AT LEAST TWENTY (20) ACRES IN SIZE AND HAVE AT
19 LEAST ONE (1) OF THE FOLLOWING FEATURES:

20 A. HOUSING DENSITY IS EQUAL TO OR GREATER THAN FOUR (4) DWELLING
21 UNITS PER ACRE.

22 B. INDUSTRIAL, INSTITUTIONAL OR COMMERCIAL USES ARE
23 CONCENTRATED IN THE AREA.

24 C. PUBLIC SEWER AND WATER COLLECTION AND DISTRIBUTION SYSTEMS
25 ARE CURRENTLY SERVING THE AREA AND HOUSING DENSITY IS GREATER THAN

1 THREE (3) DWELLING UNITS PER ACRE.

2 2.26.1 LIMITED DEVELOPMENT AREA. THOSE AREAS WHICH ARE CURRENTLY
3 DEVELOPED IN LOW- OR MODERATE-INTENSITY USES. THEY ALSO CONTAIN
4 AREAS OF NATURAL PLANT AND ANIMAL HABITATS, AND THE QUALITY OF
5 RUNOFF FROM THESE AREAS HAS NOT BEEN SUBSTANTIALLY ALTERED OR
6 IMPAIRED. THESE AREAS SHALL HAVE AT LEAST ONE (1) OF THE FOLLOWING
7 FEATURES:

8 A. HOUSING DENSITY RANGING FROM ONE (1) DWELLING UNIT PER FIVE
9 (5) ACRES UP TO FOUR (4) DWELLING UNITS PER ACRE.

10 B. AREAS NOT DOMINATED BY AGRICULTURE, WETLAND, FOREST,
11 BARREN LAND, SURFACE WATER OR OPEN SPACE.

12 C. AREAS HAVING PUBLIC SEWER OR PUBLIC WATER OR BOTH.

13 D. AREAS MEETING THE DEFINITION OF INTENSELY DEVELOPED AREAS
14 EXCEPT FOR BEING LESS THAN TWENTY (20) ACRES IN SIZE.

15 Section IV. Requirements for the Development of Land

16 4.04 Chesapeake Bay Critical Area Overlay District. The following standards shall apply to
17 all subdivision of land which lies within the area designated on the Harford County Zoning Map
18 and the Chesapeake Bay Critical Area Overlay District. All requirements of Section 267-41.1 of
19 the Harford County Zoning Code shall be met.

20 a. Information Required. The developer shall submit all information required by the
21 Department of Planning and Zoning to demonstrate that the requirements set forth in this Section
22 and in the Harford County Zoning Code have been met. This information shall be submitted at
23 the time of preliminary plan review. THIS INFORMATION SHALL INCLUDE THE AREA
24 CALCULATIONS NECESSARY FOR COMPLIANCE WITH CRITICAL AREA
25 STORMWATER MANAGEMENT REQUIREMENTS AS PER SECTION 267-41.1F3(a)(1),

1 F3(b)(1), AND F3(c)(4) OF THE DEVELOPMENT CODE.

2 b. Developments shall be designed to protect significant/special natural features located
3 on or adjacent to the site. Such features include perennial, TRIBUTARY and intermittent
4 streams, tidal waters, tidal and non-tidal wetlands, threatened and endangered plant and wildlife
5 habitat, and other plant and wildlife habitat of State and County importance.

6 c. Forest Cover shall be retained to the maximum extent possible, and in particular, the
7 forest retention requirements of the Chesapeake Bay Critical Area District shall be met. The
8 recommendations of the representative of the Maryland Forest[, Park and Wildlife] Service
9 regarding urban forestry practices and preservation of significant individual trees shall be followed
10 whenever possible.

11 d. Development shall be allowed on areas containing soils with significant development
12 constraints only if it includes mitigation measures that adequately address the identified constraints
13 and ensure that the proposed development will not have significant adverse impacts on water
14 quality or important plant, fish, or wildlife habitat.

15 e. Development shall not be allowed on areas with slopes greater than fifteen percent
16 (15%).

17 Section 2. And Be It Further Enacted that this Act shall take effect sixty (60) calendar days from
18 the date it becomes law.

EFFECTIVE: May 19, 1997

The Council Administrator does hereby certify that fifteen (15) copies of this Bill are immediately available for distribution to the public and the press.

James D. Vannoy
Acting Council Administrator

HARFORD COUNTY BILL NO. 97-8(Brief Title) Subdivision Regulations - Chesapeake BayCritical Area Overlay District

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

James D. Varma
 Acting Council Administrator

Joanne S. Perrott
 President of the Council
Date March 11, 1997Date March 11, 1997

BY THE COUNCIL

Read the third time.

Passed: LSD 97-8 (March 11, 1997)

Failed of Passage: _____

By Order

James D. Varma
 Acting Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 13th day of March, 1997 at 3:00 p.m.

James D. Varma
 Acting Council Administrator

BY THE EXECUTIVE

Colleen M. Rehemann
 COUNTY EXECUTIVE
APPROVED: Date March 18, 1997

BY THE COUNCIL

This Bill (No. 97-8), having been approved by the Executive and returned to the Council, becomes law on March 18, 1997.

EFFECTIVE DATE: May 19, 1997